

CONTACT LENSES:
STATE BOARD OF OPTOMETRY:

One who examines the eye to determine whether contact lenses should be used to correct defects or abnormal conditions, or who takes an impression mold of the eyeball, or who fits a contact lens to the eye, must be an optometrist, possessing a certificate of registration from State Board of Optometry, or a physician or surgeon, licensed to practice in this state.

January 6, 1947



Dr. J. R. Bockhorst, Secretary
Missouri State Board of Optometry
4023A West Florissant Avenue
St. Louis 7, Missouri

Dear Sir:

This is in answer to your letter of recent date, requesting an official opinion of this department, and reading as follows:

"At the recent meeting of the State Board of Optometry, the Board requested me to seek your opinion as to whether under Missouri law a person engaging in the practice of prescribing and fitting contact lenses is required to possess a license either as an optometrist or as a physician and surgeon.

"Contact lenses, which are becoming increasingly popular, are used in lieu of ordinary lenses for the correction of visual defects. They are 'worn under the eyelids and in direct contact with the forward part of the eyeball, touching the sclera surrounding the cornea with the corneal area of the lens usually not in contact with the surface of the eyeball. The lens itself, made either of glass or plastic, is so ground as to focus light in accordance with the requirements of the individual patient and to correct his individual visual variations from normal. The contact lens is made from molds

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which are made by placing over the eyeball an impressionable material into which the form and surface conditions of the eyeball of the particular patient are impressed. From this mold the lens is cast and the corrective qualities required for the particular patient incorporated into the lens by grinding or other means to develop the proper refractive qualities. When the lens has been prepared and the necessary refractive qualities incorporated therein, it is then fitted to the eye and corrections made to secure a proper fit, irregularities being removed by grinding. When the contact lens is complete and properly fitted, it is necessary to instruct the patient in its proper use.' * * * 'The operations involved in the making of the mold for such contact lense, the fitting and other required operative procedures are delicate and may result in infection of or trauma to the eye if inexpertly performed. Furthermore, such devices must be minutely exact in fit to function properly.'

"You will be interested to know that, to our knowledge, in every State in which an opinion has been sought on this question, the Attorney General has ruled that a person engaging in the practice of prescribing and fitting contact lenses must possess a license either as an optometrist or as a physician and surgeon.

"I am enclosing an original and copy of recent opinions given by the Attorneys General of Illinois and Oregon on this subject. You may retain the copies for your file. Will you be so kind as to return the originals to me when you send your opinion."

Your further letter, in reply to our request for additional information, reads, in part, as follows:

"In compliance with your request for information regarding the educational qualifications of an optometrist, I am sending under separate cover, the annual catalogs issued by

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several Colleges and Universities that are teaching accredited optometric courses of four thousand hours of instruction and conferring the degree Doctor of Optometry, or Bachelor of Science in Optometry upon completion of the course.

"I believe that from this set of catalogs, you will be able to know that contact lenses should be prescribed and fitted only by an optometrist or a physician and surgeon duly licensed as such by the State of Missouri.

"In the catalog of the Pennsylvania State College of Optometry, refer to pages 30 through 48. In the catalog of The Ohio State University Bulletin, Department of Optometry, see pages 25 through 36. In the Booklet of Southern College of Optometry, see pages 15 through 28. In the Columbia University Bulletin of Information, Announcement of Professional Courses in Optometry, see pages 21 through 28.

"It should be noted that in every such course the subjects of Ocular Anatomy, Histology and Pathology are taught, so that the optometrists are well prepared in the knowledge of eye structures and the effect of diseases and injuries upon these structures.

"It should be observed, however, that the prescription and fitting of contact lenses, while requiring a high degree of professional skill by those trained in the art of refracting, does not involve 'treating' the eyes.

"There are only a handful of apprentices in the entire State, but even before these men will be licensed to practice Optometry by our State Board, they will have to pass the same State Board Examinations in the same subjects as the men who study Optometry in professional schools."

The sections of the Missouri statutes dealing with the practice of optometry, relative to your inquiry, are the following:

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"After the first day of October, 1921, it shall be unlawful for any person to practice optometry or attempt to practice optometry without a certificate of registration as a registered optometrist issued by the state board of optometry. After the first day of October, 1943, it shall be unlawful for any person to serve, or attempt to serve as an apprentice under a registered optometrist without a certificate of registration as a registered apprentice issued by the state board of optometry prior to said first day of October, 1943, or renewal of such certificate. No new certificate of registration shall be issued to any apprentice after October 1, 1943."

Section 10113, R. S. Mo. 1939, which defines the practice of optometry, reads as follows:

"Any one of any combination of the following practices constitutes the practice of optometry:

"(a) The examination of the human eye, without the use of drugs, medicines or surgery, to ascertain the presense of defects or abnormal conditions which can be corrected by the use of lenses, prisms or ocular exercises.

"(b) The employment of objective or subjective mechanical means to determine the accommodative or refractive states of the human eye or the range of power of vision of the human eye.

"(c) The prescription or adaptation without the use of drugs, medicines or surgery, of lenses, prisms, or ocular exercises to correct defects or abnormal conditions of the human eye or to adjust the human eye to the conditions of special occupation. No registered apprentice may independently practice optometry. A registered apprentice may, however, under the immediate personal supervision of a registered optometrist, assist a registered optometrist in the practice of optometry."

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Exemptions from the operation of Chapter 66, R. S. Mo. 1939, which includes Sections 10109 to 10126, are found in Section 10114, R. S. Mo. 1939, which reads as follows:

"The following persons, firms and corporations are exempt from the operation of this act:

"(a) Physicians or surgeons of any school lawfully entitled to practice in this state.

"(b) Persons, firms and corporations who sell eye glasses or spectacles in a store, shop or other permanently established place of business on prescription from persons authorized under the laws of this state to practice either optometry or medicine and surgery.

"(c) Persons, firms and corporations who manufacture or deal in eye glasses or spectacles in a store, shop or other permanently established place of business, and who neither practice nor attempt to practice optometry, and who do not use a trial case, trial frame, test card, vending machine or other mechanical means to assist the customer in selecting glasses."

Qualifications for a certificate of registration as a registered optometrist are found in Section 10115, Laws of Missouri, 1943, page 974, which reads as follows:

"A person is qualified to receive a certificate of registration as a registered optometrist:

"(a). Who is at least 21 years of age.

"(b). Who is of good moral character and temperate habits.

"(c). Who has graduated from a high school or secondary school approved by the state board of optometry or who has completed an equivalent course of study as determined by an examination conducted by the state board of optometry.

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"(d). Who has graduated from a school of optometry approved by the state board of optometry or who has studied for three years as a registered apprentice under an optometrist registered under the laws of this state, provided, that said three years of study as a registered apprentice shall have been started prior to October 1, 1943.

"(e). Who has passed a satisfactory examination conducted by the state board of optometry to determine his fitness to receive a certificate of registration as a registered optometrist."

Section 10117, R. S. Mo. 1939, which provides for the examination of applicants for certificates of registration as registered optometrists, reads as follows:

"The state board of optometry shall hold examinations of applicants for certificates of registration as registered optometrists at such times and places as it may determine. The examination of applicants for certificates of registration as registered optometrists may include both practical demonstrations and written and oral tests, and shall embrace the subjects normally taught in schools of optometry approved by the state board of optometry."

Section 10122, Laws of Missouri, 1943, page 975, provides as follows:

"Upon payment of the required fee, an applicant who is an optometrist, registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province may, without examination, be granted a certificate of registration as a registered optometrist by the state board of optometry in its discretion, upon the following conditions:

"(a). That the applicant is at least twenty-one years of age, of good moral character and temperate habits; and

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"(b). That the requirements for the registration or licensing of optometrists in the particular state, territory, county or province, where, at the date of the license, substantially equal to the requirements then in force in this state. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered optometrist is \$10.00. The fee to be paid by an applicant for a certificate of registration as a registered optometrist is \$15.00. The fee to be paid by an applicant for a certificate of registration as a registered optometrist, who applies therefor pursuant to the provision of section 10118 of this chapter, prior to the first day of October, 1921, is \$10.00. The fee to be paid upon the renewal of a certificate of registration is \$5.00. The fee to be paid for the restoration of an expired certificate of registration as a registered optometrist is \$10.00."

It is clear that the determination of whether or not lenses, or prisms, or ocular exercises are needed in any particular case to correct defects or abnormal conditions of the human eye, or to adjust the human eye to the conditions of special occupation, must be made by an optometrist or a physician or surgeon, since such determination is, under the provisions of Section 10113, R. S. Mo. 1939, made the practice of optometry, and only those having a certificate as a registered optometrist or licensed as a physician or surgeon in this state may, under the provisions of Section 10109, Laws of Missouri, 1943, page 974, and Section 10114, R. S. Mo. 1939, engage in the practice of optometry in this state, and this would necessarily include the determination of whether or not contact lenses are needed in any particular case.

In your letter, you quote from a request for an opinion of the Attorney General of Illinois, as follows:

"The operations involved in the making of the mold for such contact lenses, the fitting and other required operative procedures are delicate and may result in infection of or trauma to the eye if inexpertly performed. Furthermore, such devices must be minutely exact in fit to function properly."

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It is obvious from the quoted statement that one who makes the mold for contact lenses and fits the lenses properly to the eye must have a thorough knowledge of the eye structure in order that such taking of the mold and fitting of the lenses may not result in injury to or infection of the eye, and in order that the lenses may function properly.

We have examined the catalogs of the Pennsylvania State College of Optometry, the Ohio State University, School of Optometry, the Southern College of Optometry, and the Columbia University, School of Optometry, and find that in each of these schools of optometry a thorough and comprehensive course of study of the structure of the eye is found, including the dissection of the eye in the orbit and when removed, as well as a study of all the various structures of the eye under the microscope. The course of instruction in the universities listed would undoubtedly give the requisite knowledge and training to properly fit contact lenses to one who had completed the course at such university.

Section 10115, Laws of Missouri, 1943, page 974, quoted above, provides that before one is qualified to receive a certificate of registration as a registered optometrist in Missouri, he must have been graduated from a school of optometry approved by the State Board of Optometry, or must have started a three-year apprenticeship under a registered optometrist of this state before October 1, 1943, and that such person must also pass an examination conducted by the State Board of Optometry of this state. The requirements of said Section 10115 that must be met before one is qualified to receive a certificate of registration as a registered optometrist are such that anyone who meets all the requirements set out in said section possesses a sufficient knowledge of the eye structure to properly prescribe and fit contact lenses, since the examination given by the State Board of Optometry must be passed satisfactorily by the applicant before a certificate is issued by the State Board.

CONCLUSION

It is, therefore, the opinion of this department that, under the laws of this state, one who examines the eye to ascertain the presence of defects or abnormal conditions which may be corrected by the use of contact lenses, or who takes an impression mold of the eyeball from which a contact lens is to be cast, or who determines the corrective qualities to be incorporated in the lens, or adjusts or fits the lens to the eye, must be an optometrist, possessing a certificate of registration as a registered

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optometrist issued by the Board of Optometry of Missouri, or a
physician or surgeon, licensed to practice in this state.

Respectfully submitted,

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Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General